

NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor  
KODY H. KINSLEY • Secretary  
MARK BENTON • Deputy Secretary for Health  
SUSAN KANSAGRA • Assistant Secretary for Public Health  
Division of Public Health

## MEMORANDUM

Date: September 8, 2020 (amended 9/13/2022)

To: Registered Environmental Health Specialists

From: Jon K. Fowlkes, On-Site Water Protection Branch Head  
Division of Public Health, Environmental Health Section

Subject: S.L. 2020-97/S.L. 2022-11/LSS Permitting During Coronavirus Emergency

Session Law 2020-97 is in effect as of September 4, 2020. As most of you are aware, G.S. 130A-336.2, which created the Authorized On-Site Wastewater Evaluator (AOWE), was passed in July 2019. ~~However, we have been waiting on rules and certifications to be created by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board before the AOWE can be fully utilized, pursuant to statute.~~ In Section 3.19 of S.L. 2020-97, licensed soil scientists (LSS) will be able to evaluate, inspect, and approve on-site wastewater systems under the provisions of G.S. 130A-336.2 ~~without the rules or certifications from the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board, and this expires 90 days after Executive Order No. 116 (Governor's Declaration of State of Emergency to Prevent Spread of Covid-19) is rescinded on January 1, 2023 in accordance with S.L. 2022-11.~~ Please refer to the N.C. Septic Tank Association Fact Sheet issued on July 1, 2022 (attached to this document) for more information and guidance on the expiration of LSS/COVID-19 Permitting.

This process will closely mirror the Engineered Option Permit (EOP) process that has been in effect for the last few years. Our guidelines will be the same for this S.L. as they are for EOPs, with a few exceptions:

- 1) Owners will have the option to apply to the local health department (LHD) for repairs to permits issued under S.L. 2020-97. The reason for this exception is that 15A NCAC 18A .1971(j) (Engineered Option Permit rule) states:

*The local health department is responsible for the following activities related to the EOP system: . . . .*

*(6) Issue a notice of violation for systems determined to be malfunctioning in accordance with Rule .1961(a) of this Section. The local health department shall direct the owner to contact the professional engineer, soil scientist, geologist, and on-site wastewater system contractor, as appropriate, for determination of the reason of the malfunction and development of a NOI for repairs; and...*

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However, in S.L. 2020-97 and G.S. 130A-336.2, there is no reference to responsibility for repair permits, and there are no rules in place that govern this responsibility. Therefore, LHDs may issue repair permits for systems permitted under S.L. 2020-97.

2) Site plans or plats may be submitted under S.L. 2020-97. G.S. 130A-336.2 states:

*The Department of Health and Human Services shall develop a common form for use as a notice of intent to construct that includes all of the following: . . . .  
(10) A plat, as defined in G.S. 130A-334(7a), or a site plan, as defined in G.S. 130A-334(13a).*

~~For clarity, site plans submitted with the common form will have a five-year expiration, and plats submitted with the common form will have no expiration.~~

LHD responsibilities for permits issued under S.L. 2020-97 include the following:

- The LHD shall perform a completeness review for the Notice of Intent to Construct (NOI) within five business days after receipt. If the LHD determines the NOI is incomplete, the LHD shall notify the owner and list the information needed to complete the notice. The owner may then submit additional information to the LHD to cure the deficiencies in the initial notice. The LHD shall make a final determination as to whether the NOI is complete within five business days after the department receives the additional information.
  - Failure to act within the five-day period is considered a determination of completeness.
  - A complete NOI shall be used to apply for a building permit.
- ~~The LHD shall join the post-construction conference with the LSS, the owner, the certified contractor, and the certified water pollution control system operator, if any. The conference shall include start-up and any required verification of system components. Session Law 2022-11 amended the language in G.S. 130A-336.2(j) by removing the requirement for the LHD to participate in the post construction conference.~~
- The LHD shall issue the owner an Authorization to Operate (ATO) within five business days of receipt of the following documents from the owner:
  - A copy of the LSS's report.
  - A copy of the operations and management program established for the system by the LSS, including the ORC contract, when applicable.
  - Any associated fees (up to 30% of the cumulative total of fees established for similar systems permitted by the LHD).
  - A notarized letter that documents the owner's acceptance of the system.
- The LHD shall complete the tracking information located in the COVID-19 Permit Option Instructions for Use of the Common Form for Non-Engineered Systems and submit to the On-Site Water Protection Branch.

It's very important to note that S.L. 2020-97 is very clear, as is G.S. 130A-336.2, in that the Department of Health and Human Services, the Department's authorized agents, and LHDs shall have no liability for wastewater systems developed, constructed, installed, or approved by an LSS acting pursuant to the authority granted.

A common form has been created for S.L. 2020-97 and will accompany this memo. More guidance may be needed in the future, but in the meantime, please contact your regional soil scientist if you have any questions.

**STATE OF NC LICENSED SOIL SCIENTIST COVID-19 PERMIT OPTION**  
**APPENDIX A: INSTRUCTIONS FOR USE OF THE COMMON FORM FOR NON-ENGINEERED SYSTEMS**

**GENERAL INFORMATION**

This State form is required for submittal of documentation of a Licensed Soil Scientist (LSS) COVID-19 Permit pursuant to S.L. 2020-97, Section 3.19 and G.S. 130A-336.2.

Three separate actions are addressed in this form:

1. Notice of Intent to Construct (NOI) (and resubmittal of missing information);
2. Local Health Department (LHD) completeness review of the NOI as submitted by the owner and written confirmation of same; and,
3. Review of information submitted for the Authorization to Operate (ATO) and written confirmation of same.

**PART 1: Notice of Intent to Construct**

**Content as submitted by the Owner and LSS for the NOI**

The Owner or LSS completes Part 1 of the form through item 14 and signs and dates it to confirm that the information provided meets the requirements of G.S. 130A-336.2 and S.L 2020-97, Section 3.19.

**Form received by LHD**

The form shall be submitted to the LHD by the Owner or the Owner's legal representative. The LHD enters the date that the initial NOI is received. The LHD enters the reference number for the LSS COVID-19 permit at the top of each page.

The LHD verifies that the LSS attested to the content submitted by signing and dating as appropriate. If not signed by the LSS, the NOI is INCOMPLETE.

**PART 2: LHD Completeness Review of the Notice of Intent**

This section is designed for the LHD to document receipt of the required items. The LHD has no liability for the site evaluation, design plans and specifications, and the construction of the system. Thus, the completeness review is based upon information that the LSS provides and attests to on the NOI, not based on review of the submitted items.

**Items 1 through 3:** The LHD verifies that the LSS provided contact information for the Owner as well as for professionals who will participate in the design, permitting, installation and inspection process. Without contact information for the owner and LSS (at a minimum), the NOI is INCOMPLETE.

**Item 4 through 14:** LHD verifies that the LSS:

4. States on the form that "proof of errors and omissions or other liability Insurance" is attached for each professional and that the submitted information includes the name of the insurer, the name of the insured individual and the effective dates of coverage. *[At a minimum, the LSS must check the box for "LSS" and attach Proof of Insurance in accordance with G.S. 130A-336.2(b)(4) and S.L. 2020-97, Section 3.19(d)].*
5. Provides a physical location of the property. If a 911 address is not yet assigned, other identifying information must be provided such as a PIN or Subdivision name/Phase or Section/Lot number.
6. Provides a facility description (e.g., "Single family residence" or "Office space") and the basis for the flow projection required in Number 11. For residences, number of occupants is required. For businesses and places of public assembly, the LSS must indicate the specific basis for flow projection (number of seats, occupancy load, etc.).
7. Describes any factors that "would affect the wastewater load" on the form.

8. Designates a system type and rough system location (“Right rear of property as viewed from the road” or similar).
9. States the projected wastewater flow and the projected wastewater strength. *(For industrial process wastewater, a Professional Engineer licensed in accordance with G.S. 89C shall design the on-site wastewater system.)*
10. States that a Plat as defined in G.S. 130A-334(7a) or a Site Plan as defined in G.S. 130A-334(13a) is included in the submittal.
11. States that any proposed setbacks to any water supplies and appurtenances are compliant with 15A NCAC 18A .1950.
12. States that a soils and site evaluation in accordance with G.S. 130A-335(a1) is attached. Either the soils and site evaluation signed and sealed by the LSS or a signature and seal on a page that references the soils and site evaluation is acceptable.
13. States that an evaluation of geologic and hydrogeologic conditions in accordance with G.S. 130A-335(a1) signed and sealed by a LG is attached, if applicable.
14. States whether plans for proposed landscape, site, drainage or soil modifications are included.

### **Documentation of Completeness Review**

The LHD must complete the initial review and respond to the LSS and Owner within five business days of receipt of the initial submittal. If the LHD fails to respond, the Owner or LSS may treat the failure to act as a determination of completeness.

- The LHD verifies that the LSS signed and dated page two of this section to attest to the integrity of the information.
- INCOMPLETE: Check this box if appropriate.
  - LHD enters the item number(s) in the space provided.
  - LHD indicates the date and method by which notification was conveyed to the Owner and the LSS.  
*NOTE: The Owner or LSS may re-submit missing information using Page 5 of the common form.*
- COMPLETE – Check this box if appropriate.
  - LHD indicates that notification was sent to the Owner and LSS. *The LHD retains the original document.*
- LHD shall note the date a copy of the final NOI and tracking documentation is sent to the Department as required.

### **Resubmittals**

The LHD must review and respond within five days of re-submittal of missing information. If the LHD fails to respond, the owner or LSS may treat the failure to act as a determination of completeness.

- The LHD enters the date the resubmitted information is received and verifies that the LSS signed and dated this section to attest to the nature of the resubmitted information.
- Proceed as described in the previous section depending upon whether the NOI is INCOMPLETE or COMPLETE.

***Once the NOI is deemed complete, please refer interested parties to the text included below the LHD signature line regarding the issuance of building permits pursuant to G.S. 130A-338.***

## **PART 3: Authorization to Operate**

### **Documentation required for the ATO and attestation by the LSS**

When construction of the system is complete, the owner shall submit documentation to the LHD as required in G.S. 130A-336.2(l).

- The LHD enters the date the information was received.
- The Owner indicates on this form what information they have submitted to the LHD by indicating “Yes” or “No” next to each required item.

- The Owner signs and dates this section to attest that the listed information is attached.
- The LHD verifies that the Owner signed this section attesting to the integrity of the information.

#### **LHD Review of information submitted by the Owner**

The LHD shall respond to the LSS and Owner within five days of receipt the information for the ATO. Again, the LHD shall not conduct a qualitative review of submitted information but will simply document that the Owner attests that the information required by Statute and Rule has been provided.

- INCOMPLETE: Check this box if any of the boxes in this section are checked “No”.
  - LHD enters the item number(s) in the space provided.
  - LHD indicates the date and method by which notification was conveyed to the Owner and the LSS.
  - The Owner or LSS shall re-submit missing information.
- COMPLETE – Check this box if appropriate.
  - The LHD indicates that notification was sent to the Owner and LSS. *The LHD retains the original document.*
  - LHD notes when and how a copy of the complete NOI, ATO and tracking documentation is sent to the Department as required.

***Once the ATO information is deemed complete, please refer interested parties to the text included below the LHD signature line regarding the statutory language allowing issuance of permanent power and certificate of occupancy pursuant to G.S. 130A-339.***

S.L. 2020-97, Section 3.19(d) states that:

*“The Department of Health and Human Services, the Department's authorized agents, and local health departments shall have no liability for wastewater systems developed, constructed, installed, or approved by a licensed soil scientist acting pursuant to the authority granted in this section; however, nothing in this section shall relieve the Department, the Department's authorized agents, and local health departments from any of their other obligations under State law or administrative rule.”*

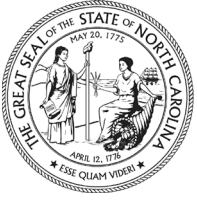
The LSS is fully responsible for the on-site wastewater system siting, design, and construction, as well as for development of an appropriate management plan. Thus, the Owner attests that the information required by Statute and Rule has been provided. LHD review is limited to a review of information provided by the Owner and LSS on the form.

### LSS COVID-19 Permit Option Tracking information

The LHD completes this form for each NOI/ATO submitted to their offices. The LHD updates this information and re-sends it throughout the process as appropriate. The Department will use this data to answer any questions on the implementation of the LSS COVID-19 permitting process.

#### Tracking information for LSS COVID-19 permits (Required)

County	
LHD Reference Number	
Permitting backlog as of date of NOI submittal (# days)	
Number of days to process the NOI (# days)	
Number of days to process re-submitted NOI (# days or "NA")	
Facility type	
Domestic, High Strength or IPWW	
Design Daily Flow	
Residential or Commercial	
System type (per Rule .1961)	
Date of Post-construction conference	
Date Authorization to Operate issued	
Fee charged for LSS COVID-19	
Is fee sufficient to cover LHD costs?	
Date LHD notified of LSS COVID-19 malfunction	
Date LHD notified of Owner complaint	



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HELEN WOLSTENHOLME • Interim Deputy Secretary for Health
MARK T. BENTON • Assistant Secretary for Public Health
Division of Public Health

COMMON FORM FOR LICENSED SOIL SCIENTIST COVID-19 PERMIT OPTION FOR NON-ENGINEERED SYSTEMS
See Instructions for Use in Appendix A

Except for "Date received", this Section to be completed by the LSS in accordance with S.L. 2020-97, Section 3.19 and G.S. 130A-336.2

LHD USE ONLY: Initial submittal of this NOI received: \_\_\_\_\_ by \_\_\_\_\_
Date Initials

PART 1: Notice of Intent to Construct (NOI) - Please check all that apply

[ ] Single System or [ ] Multiple Systems

AND

[ ] New [ ] Expansion [ ] Relocation of all or part of the Existing System [ ] Relocation of Repair Area
[ ] Repair - LHD Permit Number \_\_\_\_\_ [ ] Repair - EOP/LSS COVID 19/AOWE Permit Number \_\_\_\_\_

1. Facility Owner's name: (Owner, Company Name, Utility, Partnership, Individual, etc.): \_\_\_\_\_

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

2. Licensed Soil Scientist (LSS) name: \_\_\_\_\_ LSS License number: \_\_\_\_\_

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

3. Licensed Geologist (LG) (if applicable) name: \_\_\_\_\_ License Number: \_\_\_\_\_

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

4. Proof of Errors and Omissions or other appropriate liability insurance for the following persons is attached that includes the name of the insurer, name of the insured and the effective dates of coverage:

[ ] LSS [ ] LG

5. Property location (physical address, tax parcel identification number or subdivision lot, block number of the property to be permitted): \_\_\_\_\_

County Name: \_\_\_\_\_

6. Type of facility: [ ] Place of residence No. Bedrooms: \_\_\_\_\_ No. Occupants: \_\_\_\_\_

[ ] Place of business Basis for flow calculation: \_\_\_\_\_

[ ] Place of public assembly Basis for flow calculation: \_\_\_\_\_

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7. Factors that would affect the wastewater load: \_\_\_\_\_  
\_\_\_\_\_

8. Type and located of proposed wastewater system: \_\_\_\_\_  
\_\_\_\_\_

9. Design wastewater flow: \_\_\_\_\_ gpd  
Design wastewater strength:  domestic  high strength  industrial process *(For industrial process wastewater, a Professional Engineer licensed in accordance with G.S. 89C shall design the on-site wastewater system.)*

10. A plat as defined in G.S. 130A-334(7a) is attached:  Yes  No  
A site plan as defined in G.S. 130A-334(13a) is attached:  Yes  No

11. Location of proposed or existing wells (drinking water, irrigation, geothermal, groundwater monitoring, sampling, etc.) and any potable and non-potable water conveyance lines is indicated on attached plans and complies with 15A NCAC 18A .1950:  Yes  No  
This is a saprolite system.  Yes  No

12. Evaluation(s) of soil conditions and site features in accordance with G.S. 130A-335(a1) signed and sealed by a LSS is attached:  Yes  No

13. Evaluation of geologic and hydrogeologic conditions signed and sealed by a LG is attached  Yes  NA

14. Proposed landscape, site, drainage, or soil modifications are attached:  Yes  NA

**Attestation by LSS pursuant to S.L. 2020-97, Section 3.19 and G.S. 130A-336.2**

I, \_\_\_\_\_ hereby attest that the information required to be included with  
*Licensed Soil Scientist (Print Name)*  
this Notice of Intent to Construct is accurate and complete to the best of my knowledge and that the proposed system shall meet applicable federal, State, and local laws, regulations, rules and ordinances, and that the proposed system does not require a Professional Engineer, licensed in accordance with G.S. 89C, and in accordance with 15A NCAC 18A .1938 and activities determined to be engineering as determined by the North Carolina Board of Examiners for Engineers and Surveyors.

\_\_\_\_\_  
*Signature of Licensed Soil Scientist* \_\_\_\_\_  
*Date*

**Owner self-submittal of NOI:**

I, \_\_\_\_\_ hereby submit this NOI prepared by \_\_\_\_\_  
*Print Name of Owner* *Print Name of Licensed PE*

pursuant to G.S. 130A-336.1.

\_\_\_\_\_  
*Signature of Owner* \_\_\_\_\_  
*Date*



**NOTES:**

*LIABILITY: The Department, the Department’s authorized agents, or local health departments shall have no liability for wastewater systems designed, constructed, and installed pursuant to an LSS COVID-19 Permit Option [S.L. 2020-97, Section 3.19(d) and G.S. 130A-336.2(f)]*

*RIGHT OF ENTRY: The submittal of this **Notice of Intent to Construct** grants right of entry to the Local Health Department and the State to the referenced property.*

*ISSUANCE OF BUILDING PERMIT: Once the LHD deems that the Notice of Intent to Construct is complete via signature in the section below, the owner may apply to the local permitting agency for a permit for electrical, plumbing, heating, air conditioning or other construction, location, or relocation activity under any provision of general or special law pursuant to G.S. 130A-338.*



**Re-submittal of NOI with missing items included**

*This Section is for use by owner to submit items noted as missing during LHD Completeness Review above.  
Resubmittals must be accompanied by a cover letter from the LSS.*

LHD USE ONLY: This NOI resubmittal received: \_\_\_\_\_ by \_\_\_\_\_  
*Date Initials*

Item # from initial NOI	Resubmittal description

**Attestation by LSS pursuant to S.L. 2020-97, Section 3.19**

I, \_\_\_\_\_ hereby attest that the information required to be included with  
*Licensed Soil Scientist (Print Name)*  
this Notice of Intent to Construct is accurate and complete to the best of my knowledge and that the proposed system shall meet applicable federal, State, and local laws, regulations, rules, and ordinances.

\_\_\_\_\_  
*Signature of Licensed Soil Scientist* *Date*

*The section below is for Local Health Department use after submittal of items noted as missing above.*

**LHD Follow-up Completeness Review of Notice of Intent to Construct**

This follow-up review for completeness of this Notice and Intent was conducted in accordance with G.S. 130A-336.2(c). This NOI is determined to be:

INCOMPLETE

Based upon review of information submitted in the RESUBMITTAL above, this Notice of Intent remains INCOMPLETE because the following items from Part 1 of this form remain missing: \_\_\_\_\_

Copies of this signed form were sent to the LSS and the Owner on \_\_\_\_\_ via \_\_\_\_\_  
*Date Email, FAX, USPS, Hand-delivered*

\_\_\_\_\_  
*Print name of authorized Agent of the LHD* *Signature of authorized Agent of the LHD* *Date*

COMPLETE

Based upon review of information submitted in the RESUBMITTAL above in addition to information provided in Part 1 of this form, this NOI is deemed complete.

Copies of this signed form were sent to the LSS and the Owner on \_\_\_\_\_ via \_\_\_\_\_  
*Date Email, FAX, USPS, Hand-delivered*

A complete copy of this form with tracking information was sent to the State: \_\_\_\_\_ via \_\_\_\_\_  
*Date Email, FAX, USPS, hand-delivered*

\_\_\_\_\_  
*Print name of authorized Agent of the LHD* *Signature of authorized Agent of the LHD* *Date*

**PART 3: Authorization to Operate (ATO)**

*Except for date received, the Section below is to be completed by the Owner.*

LHD USE ONLY: Initial submittal of request for ATO received: \_\_\_\_\_ by \_\_\_\_\_  
Date Initials  
Date of Post-construction Conference: \_\_\_\_\_

The following items are included in this submittal for an Authorization to Operate under an LSS COVID-19 permit:

- 1. Signed and sealed copy of the LSS’s report that includes the information in G.S. 130A-336.2(k)  Yes  No
- 2. Operation and management program  Yes  No
- 3. Fee (as applicable)  Yes  No
- 4. Notarized letter documenting Owner’s acceptance of the system from the LSS  Yes  No
- 5. On-site Wastewater Contractor name: \_\_\_\_\_ License number: \_\_\_\_\_  
Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_
- 6. Proof of Errors and Omissions or other appropriate liability insurance for the On-site Wastewater Contractor is attached and includes the name of the insurer, name of the insured, and the effective dates of coverage.  
 Yes  No

**Attestation by the Owner for Authorization to Operate**

I, \_\_\_\_\_ hereby attest that all items indicated above have been provided to the  
Print name of Owner  
\_\_\_\_\_ County LHD and the system shall meet applicable federal, State, and local laws, regulations, rules, and ordinances.

\_\_\_\_\_  
Signature of Owner Date

*This section for LHD Use Only.*

**LHD Review of required information for the ATO**

INCOMPLETE  
Based upon review of information submitted in the Section above, the following items are missing from the information required for an Authorization to Operate for an LSS COVID-19 permit: \_\_\_\_\_

Copies of this signed form were sent to the LSS and the Owner on \_\_\_\_\_ via \_\_\_\_\_  
Date Email, FAX, USPS, Hand-delivered

\_\_\_\_\_  
Print name of authorized Agent of the LHD Signature of authorized Agent of the LHD Date

COMPLETE  
Based upon review of information submitted in the Section above, this Authorization to Operate is hereby issued in accordance with G.S. 130A-336.2(m).

A copy of this complete NOI/ATO with tracking information was sent to the State on \_\_\_\_\_ via \_\_\_\_\_  
Date Email, FAX, USPS, Hand-delivered

\_\_\_\_\_  
Print name of authorized Agent of the LHD Signature of authorized Agent of the LHD Date

*ISSUANCE OF CERTIFICATE OF OCCUPANCY: Once the LHD determines completeness based upon the ATO submission, the owner may apply to the local permitting agency for permanent electrical service to a residence, place of business or place of public assembly pursuant to G.S. 130A-339.*



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## FACT SHEET ON SENATE 372

## SESSION LAW 2022-11

The North Carolina Septic Tank Association was able to place certain sections in the above Senate Bill that dealt with wastewater issues around the State. We authored and help develop language that we thought would help both the regulatory community and the regulated industry.

Here are the special Sections and their impacts:

Section 2: Delays the effective date of the 15A NCAC 18E Rules, as adopted by the Commission for Public Health, until January 1, 2024. This was to give time for reasonable training from the Department to their authorized agents, and to the industry. If this delay had not been allowed, the 18E Rules, adopted by the Commission in August, 2021, would be in effect the day after adjournment of this Session of the General Assembly.

Section 4: Establishes a date certain of January 1, 2023 (180 days from now) for the Temporary COVID ability of a licensed soil scientist to act as an Authorized Onsite Wastewater Evaluator unless they complete the training established by the NCOWCICB. The language states that this does NOT prevent a licensed soil scientist from “completing a wastewater system already under construction.” The original language set out in Session law 2020-97 stated that the Temporary COVID ability ended 90 days after the Governor rescinded Executive Order 116 and that the licensed soil scientist could complete a “proposed” wastewater system “begun” before this Section expires. If the Governor rescinds the Executive Order, which could be very soon as the General Assembly is already urging him to do, and then this new language would actually expand the number of days for the licensed soil scientist. And the Department had not defined what was meant as “proposed” or “begun.” There is a reported 1400+ Temporary COVID systems already under a Notice of Intent. Almost all of these are from licensed soil scientists who are or soon will be earning their AOWE credentials. Most importantly, nothing in this language says the Temporary COVID permits expire on January 1, 2023. If the wastewater system needs to be completed after this date, it can be completed. Since Session Law refers to General Statute 130A-336.2, then this is the AOWE law, which begins with a Notice of Intent. The Notice of Intent includes actions by the AOWE that include activities like soil and site evaluations that are part of the construction of the wastewater system, so it would be reasonable to assume that the existence of an NOI (a document that is received and dated by the LHD) is evidence that the wastewater system is under construction. The local health departments shall not “accept” an NOI based from a Temporary COVID ability of a licensed soil scientist after that date. The Department has already established a common form that distinguishes the two processes.

Jerry Pearce  
President  
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Doug Lassiter  
Executive Director, Lobbyist  
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Section 5(a2) clarifies the wording used in G.S. 130A-335 for the 114 permits.

Section 5(a3) clarifies the actions available to the local health department when a complete application for an Improvement Permit is received. Within 10 business days, the LHD can either (1) Issue the IP, (2) Deny the Permit, or (3) Notify the applicant that the application is incomplete. In the 114 process, the application is submitted with the soil and site evaluation from a licensed soil scientist, so there is specific information in General Statute or rules that detail the information needed, just like the information established by the agent of the LHD under a regular wastewater permit. The Department helped develop this wording.

Section 5(a4) states that if the LHD fails to act within 10 business days of receiving a complete application, they shall issue the IP.

Section 5(a5) states that when an application for a Construction Authorization is submitted along with the required information signed and sealed by a professional engineer or an AOWE, the LHD shall within 10 business days, either (1) issue the CA, (2) deny the CA, or (3) notify the applicant of the need for further information. This separates the ability of a licensed soil scientist and an AOWE. Under Chapter 89F of the General Statutes, a licensed soil scientist cannot do “design” which is found in the information required in the CA. So the licensed soil scientist can do the IP, but not the CA.

Section 5(a6) like (a4) states that if the LHD fails to act within 10 business days, they shall issue the CA.

Section 5(a7) establishes that a pre-construction conference is not required, but that the certified wastewater system installer shall notify the holder of the CA, whether it be the applicant, PE, or AOWE, that they intend to start the installation of the wastewater system. The applicant, PE, or AOWE has the authority to delay the start of the installation until they can verify that the site conditions have not been altered and that construction can begin. This is similar to existing routines in most areas, but this gives the person who is holding the liability of assuring that site conditions and design can be accomplished the ability to delay the start of the installation. This Section also states that the installer notifies the LHD upon completion for the issuance of the Operation Permit.

Section 5(a8) details the separation of liabilities, duties and liabilities of all the parties involved, whether it's the Department, their authorized agents within the LHD, the AOWE, the PE, or the Installer. This language was requested by the Department and agreed to by the North Carolina Home Builders and the NCSTA.

Section 5(b) is simply clarifying existing language with current General Statute

Section 5(c) changes the language found in the Engineer Option Permit so that the submittal can come in with a plat or a site plan.

Section 5(d) changes the requirements for the Post-Construction meeting in the AOWE process, so that the representative from the local health department is removed from having to attend the post-construction meeting.

That's the facts, and this was done to help the onsite wastewater industry in North Carolina. Almost all of Section 5, dealing with the 114 permit process (which is still a county-issued permit), in their ability to reduce a backlog of permit applications and free up some of the time of their staff.

Have a great 4<sup>th</sup> of July. Stay safe.

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